

Edward Nicholson being sworn, deposeth and saith: states, that he was chief Judge of the Election, in District No. 2. in Kent county, held on the 3d October last, that when he took the ticket attached to the poll book out of the ballot box, he read it barrell and then handed it to Mr. Sappington and asked him what was to be done with it; he said it was "lassell"; witness replied to Mr. Sappington that there was no christian name to it. Some conversation then ensued, he then showed it to Mr. Mansfield and asked him if the vote should be allowed, to which Mr. Mansfield replied, he supposed so; does not know whether Mr. Mansfield understood him or not. James S. Primrose was a candidate for the House of Delegates, and was so voted for at the election aforesaid.

*On cross examination.*

States that he does not know what become of the tickets after they were counted that night, he sent for them next morning and they were brought to him by William McLean.

*On further examination.*

States that he thinks the name of lassell, barrell or lassell on the ticket now in question, is the same and has not been altered since it was counted.

*On further cross examination.*

States that before they finished counting out the ballots, and after the ticket had been counted for William S. Lassell it was handed to Mr. Mansfield, he never did consider the vote aforesaid a legal vote, and had it counted on that night because he supposed himself overruled by the other judges. Witness offered to prove that a ticket was counted for W. S. Constable without the ticket being produced or its non-production accounted for, or without notice having been served upon any of the parties to produce it, and although it was proved before the committee that all the tickets are in possession of himself and now in Kent county.

Which testimony was objected to &c. &c., and sustained by a majority of the committee.

E. NICHOLSON.

Test, Tho. M. Flint, Clerk.

James Mansfield being sworn, deposeth and saith, states: that he sees the ticket now attached to the poll book, and that it is the same ticket which was taken from the ballot box,—the following are the circumstances as far as he recollects, of its being counted,—M. Nicholson took the ticket from the box and observed it was a marked one, he read it barrell, bassell or lassell or some such name, he handed it to Mr. Sappington who was on his right—some conversation ensued between Mr. Nicholson and Mr. Sappington which witness did not hear, except that Mr. Sappington thought the ticket should be counted. There was conversation around the witness which prevented him from hearing. When Mr. Nicholson asked the witness if the ticket should be counted, he said he supposed so. Witness did not